



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

JUN 27 2001

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Edward M. Bernstein, President  
Explosive Media, Inc.  
500 South Fourth Street  
Las Vegas, NV 89101

RE: MUR 4999

Dear Mr. Bernstein:

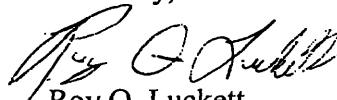
The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached order and subpoena, which requires you to provide certain information in connection with an investigation it is conducting. The Commission does not consider Explosive Media a respondent at this time.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena and order. However, you are required to submit the information within 30 days of your receipt of this subpoena and order.

If you have any questions, please contact me at (800) 424-9530 or (202) 694-1650.

Sincerely,

  
Roy Q. Lockett  
Attorney

Enclosure  
Subpoena and Order

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
) MUR 4999  
)

**SUBPOENA TO PRODUCE DOCUMENTS**  
**ORDER TO SUBMIT WRITTEN ANSWERS**

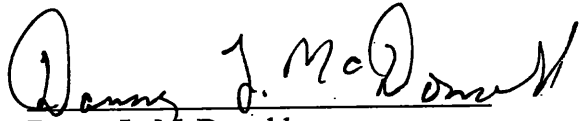
TO: Edward M. Bernstein, President  
Explosive Media, Inc.  
500 South Fourth Street  
Las Vegas, NV 89101

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

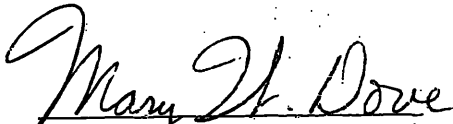
Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his  
hand in Washington, D.C. on this *26th* day of *June*, 2001.

For the Commission,

  
\_\_\_\_\_  
Danny L. McDonald  
Chairman

ATTEST:

  
\_\_\_\_\_  
Mary W. Dove  
Commission Secretary

Attachments

Instructions and Definitions (2 pages)  
Questions and Document Requests (1 page)

EST-403-430

### INSTRUCTIONS

In answering this Subpoena to Produce Documents and Order to Submit Written Answers, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994 to December 1, 2000.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

### DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean Explosive Media, including all officers and employees, whether paid or unpaid; agents; co-workers; volunteers; subordinates; staff or attorneys thereof. References to persons "working for or voluntarily assisting you" refer to any person performing any services on

your behalf or at your direction, whether paid or unpaid, including, but not limited to any persons employed by you under a personal services contract.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. If a document is maintained on or in a magnetic or electronic medium (for example, but not limited to, computer tape, diskette, or CD-ROM), provide both "hard" (i.e., paper) and "soft" (i.e., in the magnetic or electronic medium) copies, including drafts, and identify the name (e.g., WordPerfect, Microsoft Word for Windows, Pro Write, etc.) and version numbers by which the documents will be most easily retrieved.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document, the author of the document, and all recipients of the document (including all persons, other than the primary recipient of the document, who received copies).

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, and the nature of the connection or association that person has to any party in this proceeding.

If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

## QUESTIONS AND DOCUMENT REQUESTS

1. Produce all documents that evidence a contractual agreement between you and Edward M. Bernstein and Associates.

2. a. Produce videotapes of all television advertisements for Edward M. Bernstein and Associates that were actually broadcast between January 1, 1994 and December 1, 2000. For each such advertisement, produce all documents, including spot buy summaries, that reflect, refer, or relate to the air time cost of the advertisement; the amount of gross ratings points purchased to air the advertisement; and the dates, times, and stations on which the advertisement was broadcast.

b. Produce all scripts including drafts, proposals, story ideas, or story boards, of any television or billboard advertisement for Edward M. Bernstein and Associates which was created in whole or in part by you and which was broadcast or displayed between January 1, 1994 and December 1, 2000.

3. a. Identify all personnel of each of the following entities with whom you communicated at any time:

- (1). StrubleOppel Communications
- (2). Media Strategies and Research
- (3). A Lot of People Supporting Ed Bernstein.

b. Further, produce all documents that reflect, refer to or relate to each such communication.

4. Identify all personnel of Edward M. Bernstein and Associates with whom you communicated regarding Edward M. Bernstein and Associates advertisements. Produce all documents that refer to, are about, or contain information regarding those communications.